

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
Lehman Brothers Holdings, Inc., <i>et al.</i> ,	:	Case No. 08-13555 (JMP)
	:	
Debtors.	:	
	:	Jointly Administered
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**ORDER GRANTING CAPITAL ONE, N.A.  
RELIEF FROM THE AUTOMATIC STAY**

Upon the motion of Capital One, N.A. (“Capital One”<sup>1</sup>), dated April 16, 2010 (the “Motion”) for entry of an order modifying the automatic stay pursuant to 11 U.S.C. § 362(d) and Rule 4001(a) of the Federal Rules of Bankruptcy Procedure to permit Capital One to name Lehman Brothers Holdings, Inc. (“LBHI”), a debtor in the above-captioned bankruptcy, in an action by Capital One to foreclose its senior mortgages on certain real property located in the Village of Lawrence, New York known as 260 Central Avenue, Lawrence, New York (the “Premises”) and on which LBHI holds a subordinate mortgage; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion and the hearing thereon having been given and no other or further notice is necessary; and a hearing having been held to consider the relief requested in the Motion; and the Court having found and determined that the legal and factual basis set forth in the Motion established just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor; it is hereby

**ORDERED**, that the Motion is granted; and it is further

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings given to them in the Motion.

**ORDERED**, that the automatic stay imposed by 11 U.S.C. § 362(a) is hereby modified to the extent necessary to permit Capital One to name LBHI as a defendant in an action to foreclose mortgages held by Capital One against the Premises; and it is further

**ORDERED**, that this Order shall take effective and be enforceable immediately upon entry and shall not be stayed by operation of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure; and it is further

**ORDERED**, that this Court shall retain jurisdiction over any and all issues arising from or related to the implementation, effect or interpretation of this Order.

Dated: New York, New York  
\_\_\_\_\_, 2010

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The Honorable James M. Peck  
United States Bankruptcy Judge